



TO: Workforce Investment Board Chairperson
Workforce Investment Board Director
Regional Workforce Board Chairpersons
Regional Operators
Regional Coordinators

FROM: Andrew J. Penca *ADP*
Commissioner

THROUGH: Teresa L. Voors *TV*
Chief Counsel and Director of Policy

DATE: April 4, 2007

SUBJECT: DWD Policy 2006-19
Policy Guidance for Ensuring Access to Services for Persons
with Limited English Proficiency

REGARDING: Workforce Investment Act, Wagner-Peyser and Unemployment Insurance

Purpose

To provide policy and guidance to grant recipients in serving persons with Limited English Proficiency (LEP).

Rescission

DWD Communication 2001-11, dated October 4, 2001.

Contents

On August 11, 2000, President Clinton issued Executive Order 13166, entitled "Improving Access to Services for Persons with Limited English Proficiency." Pursuant to this Executive Order, the U.S. Department of Labor's Civil Rights Center (CRC) has issued policy guidance on steps to be taken for ensuring equal access to services for persons with limited English speaking proficiency. A copy of the guidance from CRC's "**Language Assistance and Planning Self-Assessment Tool for Recipients of Federal Financial Assistance**" is attached.

This guidance applies to the programs and activities that are part of the One-Stop delivery system, Indiana's WorkOne centers and WorkOne Express sites.

Persons eligible to be served or likely to be directly affected by a grant recipient's program or activity are those persons who are in the grant recipient's geographical area.

The steps taken by the grant recipient must ensure that the LEP individual is given adequate information in the language with which he/she is familiar, is able to understand the services and benefits available, and is able to receive those services and benefits free of charge. The grant recipient must also ensure that the LEP person can effectively communicate the relevant circumstances of his or her situation to the service provider.

To achieve a meaningful access program, grant recipients must first conduct a thorough assessment of the language needs of the population to be served. This can be done by reviewing data from the "Hoosiers by the Numbers" website at <http://www.hoosierdata.in.gov/> for a percentage of LEP language groups within your region and www.stats.indiana.edu for breakouts of LEP language groups in counties within your region. The CS3 system at WorkOne offices can provide a listing of LEP language groups registered for services.

Next, grant recipients must develop and implement written procedures for:

- Obtaining and providing trained and competent interpreters
- Providing notification to LEP persons in appropriate languages of their right to free language assistance
- Ensuring that staff are trained and can work effectively with LEP persons
- Ensuring the periodic monitoring of the program and
- Translating written materials

Note: Interpreter services should include such options as the use of bilingual staff, staff interpreters, contract interpreters and community volunteers. Grant recipients are discouraged from the use of friends and family members as interpreters. Such practice may expose the recipient to liability and result in a breach of confidentiality under Title VI of the 1964 Civil Rights Act and Section 188 of the Workforce Investment Act (WIA). If, after a grant recipient informs a LEP person of the right to free interpreter services, the person declines such services and requests the use of a family member or friend, the recipient may use that person, but must document the offer and declination on the LEP person's file.

Written materials, such as applications, consent forms, benefit rights information, filing a complaint of discrimination, and notices advising LEP persons of the availability of free language assistance must be translated into languages other than English of each regularly encountered LEP group eligible to be served or likely to be directly or significantly affected by the grant recipient's program or activity. The requirements outlined in this policy guidance also apply to materials posted on websites. Generally entire websites need not be translated. Usually only the vital documents or vital information posted would require translation.

The resources available to a grant recipient of federal financial assistance may have an impact on the nature of steps that recipients must take. For example, a small grant recipient with limited resources may not have to take the same steps as a larger recipient to provide LEP assistance in programs and activities that have a limited number of eligible LEP individuals, where contact is infrequent, and/or where the program or activity is not crucial to an individual's day-to-day existence. Claims of limited resources, especially from larger entities, will need to be well substantiated.

A grant recipient with fewer than five percent or 1,000 persons (whichever is less) in a language group eligible to be served or likely to be directly affected by the grant recipient's program or activity need not translate written materials but rather may provide written notice in the LEP individual's primary language, of the right to receive free language assistance, including the right to competent oral interpretation of written materials, free of cost. No person may be denied meaningful access to a recipient's services and benefits on the basis of national origin or inability to communicate.

Recipients have considerable flexibility in determining how to meet their legal obligations to LEP individuals. However, grant recipients must establish and implement policies and procedures to provide language assistance sufficient to fulfill their Title VI and Section 188 responsibilities that give LEP individuals meaningful access to services.

Questions may be directed to Joyce Howard, Legal Support at (317) 232-0603 or jhoward@dwd.in.gov

Effective Date

Upon Receipt

Review Date

March 30, 2009

Ownership

Legal Support

Action

The Regional Operators and Workforce Investment Board Director are to ensure that the attached procedures are communicated to persons responsible for ensuring compliance with the nondiscrimination and equal opportunity provisions of the Workforce Investment Act.

Attachment

Language Assistance and Planning Self-Assessment Tool for Recipients of Federal Financial Assistance



Language Assistance and Planning Self-Assessment Tool for Recipients of Federal Financial Assistance

Purpose

This two-part document is intended to assist organizations that receive Federal financial assistance in their strategic planning efforts to ensure that program goals and objectives address meaningful access for all of the people they serve or encounter, including those who are limited-English proficient (LEP). This tool will assist recipients in assessing their current other-than-English language service capabilities and in planning for the provision of language assistance to LEP individuals they serve or encounter. As recipients develop performance measures to assist them in evaluating the effectiveness of their program and program delivery, by using this tool, they will be able to assess the effectiveness of performance measures relative to individuals who are LEP.

Part A provides a framework for the development of a Language Assistance Plan in light of the general Title VI requirements. The planning and self-assessment questions in Part B of this document, intended as a follow-up to Part A, are guided by the requirements of Title VI of the Civil Rights Act of 1964, as amended, and Title VI regulations, as set forth in 29 CFR Part 31; Section 188 of the Workforce Investment Act (WIA) and its implementing regulations at 29, CFR Part 37 (available on CRC's website at <http://www.dol.gov/oasam/programs/crc/>).

Introduction

Executive Order No. 13166

Executive Order No. 13166, "Improving Access to Services for Persons with Limited English Proficiency," (available electronically at <http://www.dol.gov/oasam/regs/statutes/Eo13166.pdf>) was created to "... improve access to Federally conducted and Federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP)..." President Bush affirmed his commitment to Executive Order 13166 through a memorandum issued on October 25, 2001, by Assistant Attorney General for Civil Rights, Ralph F. Boyd, Jr. Federal agencies

were directed to provide guidance and technical assistance to recipients of Federal funds as to how they can provide meaningful access to LEP users of Federal programs. In addition, Federal agencies were told to look at how they served people who were limited in their English proficiency and to see what measures they could take in their direct contacts with LEP individuals that would increase meaningful access. In addition, a Federal Interagency Workgroup on Limited English Proficiency was formed to coordinate guidance and technical assistance efforts throughout the Federal government in support of Executive Order 13166. One of the Workgroup's first accomplishments was the creation of a Federal web site (<http://www.lep.gov>). The site is a work in progress and is designed to be a one-stop referral shop for recipients, Federal agencies, and communities in the quest for LEP information and technical assistance. It is through the coordinated efforts of the Workgroup that this planning and self-assessment tool was created.

Title VI of the Civil Rights Act of 1964

The basis for Executive Order 13166 is Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, (hereinafter Title VI), which provides that no person shall "on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Section 602 authorizes and directs Federal agencies that are empowered to extend Federal financial assistance to any program or activity "to effectuate the provisions of [section 601] ...by issuing rules, regulations, or orders of general applicability." 42 U.S.C. 2000d-1. WIA Section 188 mirrors the requirements of Title VI.

The Supreme Court, in *Lau v. Nichols*, 414 U.S. 563 (1974), affirmed then Department of Health, Education, and Welfare (HEW) policy (in line with HEW's Title VI regulation which is similar to that of DOJ, 45 CFR 80.3(b)(2)), stating that a recipient's failure to ensure meaningful opportunity to national origin minority, limited-English proficient persons to participate in the Federally funded program violates Title VI and Title VI regulations. In the *Lau* case, a San Francisco school district that had a significant number of non-English speaking students of Chinese origin was required to take reasonable affirmative steps to provide them with a meaningful opportunity to participate in the Federally funded education program. The requirement to provide meaningful access under Title VI applies beyond the education context to include all of the programs and activities of all recipients of Federal financial assistance.

Limited English Proficiency Self-Assessment Tool

Part A: Developing a Language Assistance Plan

This section is intended to provide a general overview for the development of a Language Assistance Plan for LEP beneficiaries or potential beneficiaries. Each Federal recipient may choose to develop a Language Assistance Plan differently. Regardless of the format selected, careful consideration should be given to whether their Language Assistance Plan is sufficiently detailed to address the questions set forth in the self-assessment (Part B.).

Recipients have considerable flexibility in developing a Language Assistance Plan. The development and maintenance of a periodically-updated Language Assistance Plan for use by recipient employees serving the public will likely be the most appropriate and cost-effective means of documenting compliance and providing a framework for the provision of timely and reasonable language assistance. Moreover, such written plans would likely provide additional guidance to a recipient's managers in the areas of training, administration, planning, and budgeting. These benefits should lead most recipients to document in a written Language Assistance Plan their language assistance services, and how staff and LEP persons can access those services. Despite these benefits, certain recipients, such as those serving very few LEP persons and recipients with very limited resources may choose not to develop a written LEP plan. However, the absence of a written LEP plan does not obviate the underlying obligation to ensure meaningful access for LEP persons to a recipient's programs or activities. Accordingly, in the event that a recipient elects not to develop a written plan, it should consider alternative ways to articulate, in a reasonable manner, a plan for providing meaningful access. Entities having significant contact with LEP persons, such as schools, religious organizations, community groups, and groups working with new immigrants can be very helpful in providing important information into this planning process from the beginning.

Good Language Assistance Plans should be:

1. Based on sound planning;
2. Adequately supported so that implementation has a realistic chance of success; and
3. Periodically evaluated and revised, if necessary.

The first topic covered in this part is the establishment of goals in a Language Assistance Plan. The second topic in this part is a brief overview of points that may be considered in developing a comprehensive Plan.

Section I: Goals

The process of developing goals flows directly from the self-assessment that has been conducted. Goals should reflect the recipient's circumstances. It is recommended that the recipient's design be based, at least in part, on the results of focused research and benchmarking and on best practices identified by community organizations, other Federal recipients, professional organizations, advocacy groups, and experts in the language assistance field.

The fundamental Title VI requirement is that Federal recipients ensure meaningful access for LEP individuals to the Federal recipient's programs and activities. Therefore, the goals for the provision of language assistance to LEP individuals should relate to a thorough assessment of the target population for each program and activity, the geographical location where the programs and activities will take place, and the expected outcome(s) of the programs and activities.

Generally, goals that are effective indicate:

- to whom they apply;
- the expected outcome;
- when the outcome is expected to materialize; and
- how success will be measured.

Effective goals for the provision of language assistance to LEP individuals address the language as well as the cultural context within which the service is provided. To enhance language assistance capabilities, recipients may also choose to have goals in such areas as basic language training for staff, language assistance policy design and implementation, and outreach initiatives for language isolated communities.

Section II: Planning

Many Federal recipients have found that it is useful, when developing or revising a Language Assistance Plan, to establish a committee or work group that includes administrators, professional and administrative support staff, potential beneficiaries, and members of community organizations. By working with a diverse group that includes stakeholders, recipients can gather comprehensive input from those whose support and efforts may be important to their Language Assistance Plan's success. Inclusive approaches in plan design and development tend to promote overall community awareness and support. In addition, these groups will be valuable resources to draw upon during plan evaluation and plan improvement activities.

One of the first steps toward developing a plan is to take the information the recipient has gained through the self-assessment (Part B), combine it with the recipient's goals, and convert it into a viable plan or roadmap that helps the recipient identify and address gaps, while at the same time moves the

organization towards a coordinated and comprehensive approach to meeting its needs.

Have you developed a comprehensive plan for language assistance to LEP persons?

☐ YES ☐ NO

If not, or if you just want more information to consider in assessing the comprehensiveness of your already existing plan, there are some useful pointers on <http://www.dol.gov/oasam/regs/fedreg/notices/2003013125.pdf> as well as on www.lep.gov.

Briefly, in designing a comprehensive Language Assistance Plan the recipient should follow the following five steps: 1) Identification of LEP Persons; 2) Language Assistance Measures; 3) Training Staff; 4) Providing Notice to LEP Persons; and 5) Monitoring and Updating the Language Assistance Plan.

1. Identification of LEP Persons

This first step comprises the recipient's consideration of the information obtained from the first two self-assessment factors: the number or proportion of LEP individuals eligible to be served or encountered, and the frequency of encounters. This information identifies LEP persons with whom the recipient has had, or could have contact.

In refining the recipient's assessment of the target LEP population, the recipient can use language identification cards (or "I speak cards"), which invite LEP persons to identify their language needs to staff. Such cards, for instance, might say "I speak Spanish" in both Spanish and English, "I speak Vietnamese" in both English and Vietnamese, etc. The recipient can access examples of such cards, at no cost on the Internet at <http://www.dol.gov/oasam/programs/crc/ISpeakCards.pdf>, and also at www.lep.gov. In addition, when records are kept of interactions with members of the public, the language of the LEP person can be included as part of the record. In addition, posting notices in commonly encountered languages notifying LEP persons of language assistance will encourage them to self-identify.

2. Language Assistance Measures

In developing an effective Language Assistance Plan, the recipient should also consider including information about the ways language assistance will be provided. For instance, the recipient may want to include information on:

- Types of language services available;
- How staff can obtain those services;
- How to respond to LEP callers;
- How to respond to written communications from LEP persons;
- How to respond to LEP individuals who have in-person contact with staff; and

- How non-Greek alphabet words will be entered into the computer systems.

3. *Training Staff*

It is essential for the members of the recipient's organization to be knowledgeable about the organization's obligations to provide meaningful access to information and services for LEP persons. It is, therefore, recommended that the recipient's Language Assistance Plan include training to ensure that:

- Staff know about LEP policies and procedures.
- Staff having contact with the public (or those in a recipient's custody) are trained to work effectively with in-person and telephone interpreters.

The recipient may want to include Language Assistance Plan training as part of the orientation for new employees. The more frequent the contact with LEP persons, the greater the need will be for in-depth training. The manner in which the training is provided is within the organization's discretion.

4. *Providing Notice to LEP Persons*

Once the recipient has decided, based on the four-factor self-assessment in Part A, that provision of language services will be implemented, it is important to let LEP persons know that those services are available and that they are free of charge. The recipient should provide this notice in a language LEP persons will understand. Some ways of accomplishing this objective include:

- Posting signs in intake areas and other entry points.
- Placing notices that language services are available in outreach documents (brochures, booklets, recruitment information, etc.) in appropriate languages that language services are available.
- Working with community-based organizations to inform LEP persons of the language assistance available.
- Using a telephone voicemail menu in the most common languages encountered.
- Including notices in local newspapers in languages other than English.
- Providing notices in non-English language radio and television stations about the availability of language assistance services.
- Making presentations and/or posting notices at schools and religious organizations.

5. *Monitoring and Updating the Language Assistance Plan*

The recipient should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and provide notice to the LEP public and to employees of any changes in programs or services. In addition, the

recipient should consider whether changes in demographics, types of services, or other needs require annual re-evaluation of your Language Assistance Plan.

One good way to evaluate a Language Assistance Plan is to seek feedback from the community, and assess potential plan modifications based on:

- Current LEP populations in service area or population encountered or affected;
- Frequency of encounters with LEP language groups;
- Nature and importance of activities to LEP persons;
- Availability of resources, including technological advances, additional resources, and the costs imposed;
- Whether existing assistance is meeting the needs of LEP persons;
- Whether staff know and understand the Language Assistance Plan and how to implement it; and
- Whether identified sources for assistance are still available and viable.

Exemplary practices and further policies with regard to written Language Assistance Plans can be found at <http://www.lep.gov>. The following questions are designed to assist in assessing the recipient's planning needs.

a) Does your organization have a written policy on the provision of language interpreter and translator services?

☐ YES ☐ NO

b) If so, is a description of this policy available to the general public?

☐ YES ☐ NO

If so, how and when is the policy available?

In what languages other than English is the written policy on language interpreters and translation services available?

c) Do you inform your employees of your policies regarding LEP persons?

☐ YES ☐ NO

If so, how? How often?

d) Do you inform your subcontractors of your policies regarding LEP persons?

☐ YES ☐ NO

If so, how? How often?

e) Do you inform your subcontractors of their obligation to provide language assistance to LEP individuals who participate in their programs and activities and/or who use their services provided?

☐ YES ☐ NO

If so, how? How often?

f) Do your subcontractors have a written policy on the provision of language interpreter and translator services?

☐ YES ☐ NO

g) If so, is it distributed to the general public?

☐ YES ☐ NO

h) If so, when and how is it made available?

i) In what languages, other than English, is it made available?

j) Are beneficiaries informed that they will be provided interpreting services at no cost?

☐ YES ☐ NO

k) How are they informed and at what points of contact?

l) Do you ensure that your translators and/or interpreters are qualified to provide interpreting services (which is a different skill than being bilingual) and understand any confidentiality requirements?

☐ YES ☐ NO

If so, how?

m) Is ability to speak a language other than English a factor in hiring decisions in your organization?

☐ YES ☐ NO

If so, how do you identify which languages are needed?

n) Do you ensure that your bilingual staff are qualified to provide services in another language?

☐ YES ☐ NO

If so, how? How often is it reviewed or re-evaluated?

o) List the written materials that you provide to the public.

p) Do you provide written materials to the public in languages other than English?

☐ YES ☐ YES ☐ NO

If so where are they located?

q) Is the public notified of the availability of the translated materials?

☐ YES ☐ NO

r) List all written materials provided to the public in languages other than English and the languages for which they are available.

s) Are there set criteria for deciding:

Which materials will be translated?

☐ YES ☐ NO

Who will translate the materials?

☐ YES ☐ NO

How you will assess competency to translate?

☐ YES ☐ NO

Who will provide a second check on the translation?

☐ YES ☐ NO

Into which language(s) will the materials be translated?

☐ YES ☐ NO

t) Are all translated materials pre-tested before they are finalized?

☐ YES ☐ NO

If no, which materials are not pre-tested and why?

Section III: Language Assistance Plan Evaluation

The following information is provided to assist the recipient in identifying methods and approaches for evaluating a Language Assistance Plan. The recipient is encouraged to review the Language Assistance Plan annually and to develop approaches for evaluation that are consistent with the respective Language

Assistance Plan designs, organizational needs, and circumstances. The evaluation process creates quality feedback for recipient's organization. Also, the evaluation process can be used as a sentinel to detect problems before they grow, and to confirm best practices.

Federal law does not prescribe a particular program model or evaluation approach; therefore, the approach to, and design of, an effective Language Assistance Plan evaluation will vary for each Federal recipient. The questions set forth below are provided as primers for the recipient to use in developing an approach.

1. Do you have and use a tool for collecting data on beneficiary satisfaction with interpreter services?

☐ YES ☐ NO

2. Have any grievances or complaints been filed because of language access problems?

☐ YES ☐ NO

If so, with who?

3. Do you monitor the system for collecting data on beneficiary satisfaction and/or grievance/complaint filing?

☐ YES ☐ NO

If so, how? How often?

4. Is data used as part of a review by senior management of the effectiveness of your organization's language assistance program implementation?

☐ YES ☐ NO

5. Do you regularly update your Language Assistance Plan and assess for modifications given changing demographics, or changes or additions to your programs?

☐ YES ☐ NO

If so, how? How often?

6. Do you obtain feedback from the community?

☐ YES ☐ NO

If so, how? How often?

Generally, organizations measure "success" in terms of whether a plan, when implemented, leads to the achievement of the particular goals the organization has established. If the organization has established no particular goals, it can still be successful if the results are in concert with the organization's desired outcomes. In this case, the desired outcome is the provision of language assistance, when necessary, to ensure that LEP persons are able to participate meaningfully in the Federal recipient's programs and activities.

The recipient should modify the Language Assistance Plan if it proves to be unsuccessful after a legitimate trial. As a practical matter, the recipient may not be able to comply with this Title VI requirement unless it periodically evaluates the Plan.

Part B: Self-Assessment

The questions in this part are intended for use by recipients of Federal financial assistance in conducting a self-assessment of their progress in providing language assistance to LEP persons. The questionnaire is divided into four sections and is designed to assist in a balanced assessment of access based on the following four factors: (1) Demography - the number or proportion of LEP persons eligible to be served or likely to be encountered; (2) Frequency of Contact - the frequency with which LEP individuals come in contact with the program and/or activities; (3) Importance - the nature and importance of the program, activity, or service to people's lives; and (4) Resources-the resources available and costs.

Section I – Demography

The determination to provide language assistance services should include an assessment of the number or proportion of LEP persons from a particular language group served, or encountered in the eligible service population. The greater the number or proportion of LEP persons served or encountered, the more likely language services are needed.

According to the 2000 Census, Profile of Selected Social Characteristics, Supplementary Survey Summary (Table QT-02), English is the only language spoken at home by an estimated 82.4% (209,860,377) of the population 5 years of age and over (254,746,174). The remaining 17.6 percent (44,885,797) speak a language other than English at home. Of those U.S. residents five years of age and older who speak a language other than English at home, the same Census 2000 Survey estimates that 43.4 percent (19,492,832) speak English "less than very well." For these people—approximately 7.7 percent of the total population of persons five years of age or older—language can be a barrier to obtaining meaningful access to programs and activities conducted, or services or information provided by recipients of Federal financial assistance.

There are a variety of sources for demographic information. As noted immediately above, the Bureau of Census is one potential source. Detailed information about the racial and ethnic populations a recipient serves or might serve, including their languages, can also be inferred from Department of Education data. A recipient can link directly to the Bureau of the Census, Department of Education, and other demographic data through <http://www.lep.gov> by selecting the Demographic button.

The following questions are aimed at identifying who the recipient serves. Please note that the term "serve" is used to include not only those who are often considered direct beneficiaries or recipients of government programs and activities, but also those individuals at a Workforce Investment Act One-Stop Center that may only use self-services. Job Corps recipients should also consider LEP parents' or guardians' access when their English proficient or LEP minor children and dependents encounter their programs, activities, or services.

1. Has your organization developed a demographic profile of the population served or likely to be served by your DOL funded programs and activities?

☐ YES ☐ NO

If no, consider utilizing the demographic information from the U.S. Census Bureau available for your particular geographical area (see the following sample data sheet) available at <http://quickfacts.census.gov/qfd/index.html>.

2. Where the service area your program serves spans multiple labor market areas, have demographic profiles been developed for each labor market or local area?

☐ YES ☐ NO

If no, consider utilizing the demographic information from the U.S. Census Bureau available for your particular geographical area (see the following sample data sheet) available at <http://quickfacts.census.gov/qfd/index.html>.

3. Has your organization developed a profile of the primary languages spoken by the population served or likely to be served by your Federally funded programs and activities?

☐ YES ☐ NO

If no, you can begin to develop such a profile now by going directly to <http://www.doleta.gov/reports/CensusData/> or to www.lep.gov in order to access demographic data including LEP statistics. In addition to the Census, you can identify and clarify language needs by calling on the Department of Education or community-based organizations in your service area.

Question 2 - Sample

Table 2. Ability to Speak English by Language Spoken at Home

Universe: Population 18 years and over

Geography:

New Mexico

New Mexico Eastern Area

Language Spoken at Home	Speak English "very well"		Speak English "well"		Speak English "not well"		Speak English "not at all"		Number
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Total population 18 and over	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)	23
Speak only English	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)	16
Speak language other than English	46,150	63.7	13,845	19.1	8,525	11.8	3,915	5.4	7
African languages	15	50.0	15	50.0	0	0.0	0	0.0	
Arabic	35	58.3	25	41.7	0	0.0	0	0.0	
Armenian	0	.	0	.	0	.	0	.	
Chinese	205	50.0	125	30.5	50	12.2	30	7.3	
French (incl. Patois, Cajun)	385	79.4	60	12.4	40	8.3	0	0.0	
French Creole	0	.	0	.	0	.	0	.	
German	1,190	55.4	645	30.0	300	14.0	15	0.7	
Greek	20	71.4	4	14.3	4	14.3	0	0.0	
Gujarathi	25	31.7	20	25.3	30	38.0	4	5.1	
Hebrew	25	86.2	4	13.8	0	0.0	0	0.0	
Hindi	75	75.8	20	20.2	4	4.0	0	0.0	
Hungarian	20	83.3	4	16.7	0	0.0	0	0.0	
Italian	90	90.0	10	10.0	0	0.0	0	0.0	
Japanese	220	86.3	35	13.7	0	0.0	0	0.0	
Korean	70	42.4	65	39.4	30	18.2	0	0.0	
Laotian	4	7.4	50	92.6	0	0.0	0	0.0	
Miao, Hmong	0	.	0	.	0	.	0	.	
Mon-Khmer, Cambodian	0	.	0	.	0	.	0	.	
Navajo	145	69.1	40	19.1	25	11.9	0	0.0	
Other and unspecified languages	25	75.8	0	0.0	4	12.1	4	12.1	
Other Asian languages	80	85.1	10	10.6	4	4.3	0	0.0	
Other Indic languages	65	82.3	4	5.1	10	12.7	0	0.0	
Other Indo-European languages	35	100.0	0	0.0	0	0.0	0	0.0	
Other Native North American languages	625	80.1	155	19.9	0	0.0	0	0.0	
Other Pacific Island languages	50	58.8	35	41.2	0	0.0	0	0.0	
Other Slavic languages	25	100.0	0	0.0	0	0.0	0	0.0	
Other West Germanic languages	50	63.3	25	31.7	4	5.1	0	0.0	
Persian	0	0.0	10	100.0	0	0.0	0	0.0	
Polish	35	50.7	30	43.5	4	5.8	0	0.0	
Portuguese or Portuguese Creole	55	55.6	40	40.4	4	4.0	0	0.0	
Russian	20	50.0	10	25.0	10	25.0	0	0.0	
Scandinavian languages	25	50.0	15	30.0	0	0.0	10	20.0	
Serbo-Croatian	15	100.0	0	0.0	0	0.0	0	0.0	
Spanish or Spanish Creole	42,095	63.7	12,170	18.4	7,935	12.0	3,845	5.8	6
Tagalog	290	61.7	145	30.9	35	7.5	0	0.0	
Thai	80	55.6	30	20.8	30	20.8	4	2.8	
Urdu	4	13.8	25	86.2	0	0.0	0	0.0	
Vietnamese	25	86.2	4	13.8	0	0.0	0	0.0	
Yiddish	15	100.0	0	0.0	0	0.0	0	0.0	

3. Is your organization working with any community-based organizations that are familiar with the language needs of individuals participating in any of your programs and activities, or to whom you provide services or encounter?

☐ YES ☐ NO

4. If applicable, are local workforce areas, local offices, Job Corps Centers, Unemployment Service Centers, or sub-recipients working with any community-based organizations that are familiar with the language needs of individuals participating in any of your programs and activities, or to whom you provide services or encounter?

☐ YES ☐ NO ☐ Not Applicable

Once the recipient has completed an overview and identified general demographic data, it is in a better position to move to an analysis of the language access the recipient provides to the people it serves.

Section II- Frequency of Contact

The following questions are designed to help recipients assess the frequency with which LEP individuals are contacted or encountered and their respective language groups. The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed. It is also advisable to consider the frequency of different types of language contacts. For example, frequent contacts with Spanish-speaking people who are LEP may require certain types of assistance in Spanish. Less frequent contact with different language groups may suggest a different and less intensified solution. If an LEP person accesses a program or service on a daily basis, a recipient has greater duties than if that same person had unpredictable or infrequent contact with a recipient's program or activity. Notwithstanding, recipients should consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups.

1. Does your organization have a process for surveying, collecting and/or recording primary language data for individuals that participate in your programs and activities?

☐ YES ☐ NO

If no, consider what process would be used for collecting such information, including: the method of collection and/or recording the data, the categories that would be used in collection, where the data would reside, and who could access the data.

2. To assist in determining the frequency of the contacts or encounters by respective language groups, you may wish to consider: the prevalent language group(s), the number of contacts or encounters with a language group in a week, month or other time period, the type of non-English assistance provided and by whom, and the person with access to such data.

3. Are the percentages of those LEP groups in the general population (Section I) fairly consistent with the frequency percentages encountered by your organization?

☐ YES ☐ NO

Section III: Importance

Once the recipient has assessed, both through an analysis of the demographics and frequency of contact, the languages to consider with regard to access, the recipient can then look at the nature and importance of specific programs, activities, or services.

As a rule of thumb, the more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. The recipient should determine whether denial or delay of access to services or information could have serious implications for the LEP individual. The more important the activity, information, service, or program, or the greater the possible consequences of the contact to LEP individuals, the more likely language services are needed. For example, the requirements for eligibility for a workforce program, or filing a claim for unemployment insurance or Trade Adjustment Assistance programs must be effectively communicated. Recipients need to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for an LEP individual. Decisions to make an activity compulsory, such as job training and/or job search certification in the Unemployment Insurance Program can also serve as strong evidence of the program's importance.

1. Do you conduct compulsory activities? For example, do you require applications, registrations, consent, interviews, or other activities prior to participation in any of your programs and/or activities, in order to obtain some benefit, service, or information, or in order to participate in a higher level program?

☐ YES ☐ NO

2. In addition to the above, do you conduct programs or activities that have serious consequences, either positive or negative, for a person who participates? For example, some consequences of not having access to unemployment benefits may potentially include not being able to support one's self or family in terms of food, shelter, etc.

☐ YES ☐ NO

3. Have you determined the impact on actual and potential beneficiaries of delays in the provision of services or participation in your programs and/or activities (economic, educational, health, safety, housing, ability to assert rights, transportation costs, etc.)?

☐ YES ☐ NO

4. For those programs or activities with serious consequences, has your organization translated vital documents into various languages other than English for LEP customers or beneficiaries, for the purpose of reducing the negative impact of potential delays in the provision of services or participation in your programs and/or activities?

☐ YES ☐ NO

Section IV: Resources

Once the recipient has reviewed the demographics, frequency of contact, and importance of programs, activities, or services, a good self-assessment will identify the resources (dollars and personnel) available to ensure the provision of language assistance to LEP persons participating in the recipient's program and/or activities. The level of resources and the costs may have an impact on the nature of the language assistance provided. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with large budgets. In addition, "reasonable costs" may become "unreasonable" where the costs substantially exceed the benefits.

Reduction of costs for language services can be accomplished by such options as the use of technology (such as through the internet, telephonic language lines, etc.); the sharing of language assistance materials, and services among and between recipients, advocacy groups, and Federal grant agencies; and through reasonable business practices. The recipient should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns.

1. Have you identified the resources needed to provide meaningful access for LEP persons?

☐ YES ☐ NO

If no, consider the following when identifying the resources needed: the type of assistance necessary and resources available, the possible sources of the assistance, the associated costs, and the language groups assisted.

2. Is there a staff member in your organization assigned to coordinate language access activities?

☐ YES ☐ NO

3. Have you identified the points of contact where LEP persons interact with your organization?

☐ YES ☐ NO

If no, consider the various points where an LEP person may come into contact with your organization. In such cases, who will assist the person? How often does it occur and how long might the visit last? How will the visit be recorded?

4. Given all of the possible points of contact, is language assistance available at each of those points?

☐ YES ☐ NO

5. By language spoken, how many employees in your organization fluently speak a language other than English?

6. What percent of the total employees in your organization are bilingual and able to competently assist LEP persons in the LEP person's language?

7. Do you utilize employees in your organization as interpreters? (Interpreting is a different skill than being bilingual and able to communicate monolingually in more than one language. Interpretation requires particular skills. For more information, see <http://www.dol.gov/oasam/regs/fedreg/notices/2003013125.pdf>)

☐ YES ☐ NO

8. Employees within our organization provide interpreter services (check one):

- ☐ Some of the time
- ☐ Most of the time
- ☐ Always
- ☐ Never

9. What outside sources for interpreter services do you use?

- ☐ Contract Interpreters
- ☐ Telephone Services
- ☐ Community-Based Organizations
- ☐ Language Banks
- ☐ Other (please specify)

10. For what languages (other than English) are outside sources of language interpreters most commonly used?

11. Although you should not plan to rely on a LEP person's friends, family members, or other informal interpreters in order to provide meaningful access, are there times when you appropriately allow use of such informal interpreters? (See <http://www.dol.gov/oasam/regs/fedreg/notices/2003013125.pdf>)

☐ YES ☐ NO

If yes, under what circumstances?

12. Are minors used as interpreters? If so, under what circumstances and how are issues such as competency, appropriateness, confidentiality, and volunteerism assessed?

☐ YES ☐ NO

13. If additional resources are needed to ensure meaningful access, have you identified the cost of those resources?

☐ YES ☐ NO

14. Are there currently any limitations in resources (dollars and/or personnel) that could impact the provision of language assistance services?

☐ YES ☐ NO

15. If there are currently limitations, have you explored all options available to you in order to ensure the provision of language assistance services?

☐ YES ☐ NO

For example, if there is a significant LEP population that speaks one language, you may wish to look at the option of hiring staff who are bilingual, bi-cultural, and knowledgeable in the particular area for which you provide a service, i.e., healthcare, education, science, etc. If there is a very small language population, you would not necessarily need to hire staff to meet that need; instead, you may wish to contract for that assistance. (See <http://www.dol.gov/oasam/programs/crc> for more specific help)

16. What is the total annual funding spent on provision of services in languages other than English? Consider categorizing the expenses as those related to: publications, website development and maintenance, outreach activities, translation activities, language line contractors, etc.

17. Does your organization have a written LEP Plan?

☐ YES ☐ NO ☐